

May 18, 2000

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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900 Fourth Avenue  
Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: King County Department of Transportation File No. **V-2397**  
Proposed Ordinance No. **2000-0244**

**WOODSIDE ASSOCIATES**  
(a Washington General Partnership)  
Petition For Road Vacation

Road: A portion of 88<sup>th</sup> Avenue Northeast,  
located east of City of Kenmore,  
and north of Northeast Bothell Way

Petitioner: Woodside Associates, a Washington General Partnership  
*represented by* **Mark Lundberg**  
19025 – 92<sup>nd</sup> Avenue West  
Edmonds, WA 98020

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2397 was received by the Examiner on May 3, 2000.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information

on file with the petition, the Examiner conducted a public hearing on the subject as follows: The hearing on Item No. V-2397 was opened by the Examiner at 9:30 a.m., Monday, May 8, 2000, in the Fifth Floor Conference Room, Union Bank Of California Building, 900 Fourth Avenue, Seattle, Washington, and adjourned at 9:38 a.m. The hearing record was administratively continued pending receipt of Exhibit No. 20 (Affidavit of Publication). The affidavit was received and the hearing record closed on May 17, 2000. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. General Information:

Road name and location: A portion of 88<sup>th</sup> Avenue Northeast,  
located east of City of Kenmore,  
and north of Northeast Bothell Way

Right of way classification: "B" Class  
Area: 239 Square Feet  
Compensation: \$431.42

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the May 8, 2000, public hearing and the statement of facts contained in Proposed Ordinance No. 2000-0244. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

**CONCLUSIONS:**

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to

the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2000-0244 to vacate the subject road.

RECOMMENDED this 18<sup>th</sup> day of May, 2000.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 18<sup>th</sup> day of May, 2000, to the following parties and interested persons:

AT & T Cable Services	Greg Borba	Roderick E. Matsuno
Steve Botts	Tommy Burdette	Ronald J. Paananen
Jeff Chalfant	Don Ding	Dave Preugschat
GTE Telecommunications	Thomas Eksten	Lydia Reynolds
Northshore Utilities	Dennis Gorley	Faith Roland
Woodside Associates	Kristen Langley	Charlie Sundberg
Mark Lundberg		Joe Wilson

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 1, 2000. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before June 8, 2000. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council

committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

**MINUTES OF THE MAY 8, 2000, PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2397, WOODSIDE ASSOCIATES PETITION FOR ROAD VACATION.**

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Mark Lundberg, representing Woodside Associates, and Tommy Burdette, representing the King County Department of Transportation.

The following exhibits were offered and entered into the record on May 8, 2000:

- Exhibit No.1 Report to the Hearing Examiner for the May 8, 2000 hearing, with 15 attachments
- Exhibit No.2 Petition transmittal letter, dated March 12, 1999, to KC Department of Transportation, from Clerk of the Council
- Exhibit No.3 Letter of explanation from petitioner's agent, dated February 25, 1999
- Exhibit No.4 Petition for vacation of a County road including legal descriptions of petitioners' properties
- Exhibit No.4 Petition for vacation of a County road with legal descriptions of Attachments
- Exhibit No.5 Receipt #00155 and copy of check #5069 for Filing fee
- Exhibit No.6 Copy of King County short plat number 484085 with map
- Exhibit No.7 Map depicting vacation area
- Exhibit No.8 Vicinity map
- Exhibit No.9 Letter, dated March 26, 1999 from Road Services Division, to petitioner explaining road vacation process
- Exhibit No.10 Letter, dated September 21, 1999, from KCDOT, to Clerk of Council
- Exhibit No.11 Map of reduced vacation area
- Exhibit No.12 Road vacation worksheet 2397.XLS dated November 18, 1999
- Exhibit No.13 Letter, dated December 8, 1999, from KCDOT, to Clerk of Council
- Exhibit No.14 Letter, dated December 27, 1999, to petitioner's agent, from KCDOT, identifying amount of compensation
- Exhibit No.15 Copy of check number 1047 for compensation
- Exhibit No.16 Letter, dated March 31, 2000, from King County Executive, to Councilmember von Reichbauer, with proposed ordinance attached
- Exhibit No.17 Proposed ordinance no. 2000-0244
- Exhibit No.18 Notice of hearing with map attached
- Exhibit No.19 Affidavit of posting, with Notice of Hearing and map attached
- Exhibit No.21 Letter, dated May 2, 2000, from KCDOT to Woodside Associates
- Exhibit No.22 Letter, dated May 2, 2000, from KCDOT to Barghausen Engineers
- Exhibit No.23 Corrected Exhibit List (correcting proposed ordinance given in exhibit no. 17)

The following exhibit was received and entered on May 17, 2000:

- Exhibit No.20 Affidavit of publication

V-2397 RPT  
Attachments